

**THERESA DIANNE SMITH,**  
**Plaintiff,**  
  
**v.**  
  
**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security**  
**Administration,**  
**Defendant.**

**THIS MATTER** is before the court on the Defendant's Motion to Dismiss (Document #6) and Memorandum in Support (Document #7), filed October 14, 2009. The pro se Plaintiff has not filed a brief opposing or otherwise responding to Defendant's motion, and she has not filed any motions of her own. Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David Cayer was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered Memorandum & Recommendation, filed August 26, 2009, Judge Cayer recommended that Defendant's Motion to Dismiss be granted because Plaintiff failed to exhaust her administrative remedies before filing the instant appeal. In his Memorandum & Recommendation, Judge Cayer advised the parties that any objections to the proposed findings of fact and conclusions of law were to be filed in writing within ten days of service of the same. The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

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Accident Ins. Co., 416 F.3d 310, 315-16 (4<sup>th</sup> Cir. 2005) (holding that a de novo review is not required when considering a memorandum and recommendation if there are no objections). Accordingly, the court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this court for all purposes related to this case.

**WHEREFORE**, for the foregoing reasons, it is hereby **ORDERED** that Defendant's Motion to Dismiss is **GRANTED**.

Signed: April 16, 2010

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

